

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

FILED

FEB - 2 1999

NANCY DOHERTY, CLERK

Deputy

NATALIE F. HIMES

§

VS.

§

ACTION NO. 4:98-CV-923-Y

§

DALLAS/FORT WORTH MEDICAL
CENTER-GRAND PRAIRIE, ET AL.

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ORDER OF PARTIAL DISMISSAL AND
RENDERING MOTION TO DISMISS/FOR SUMMARY JUDGMENT MOOT

Pending before the Court is the Motion to Dismiss Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, which was filed in this cause on December 17, 1998 by defendants DFW HealthPlus, L.L.C. and HealthPlus Corporation ("HealthPlus"). In an order filed on January 11, 1999, the Court construed HealthPlus's motion as one for summary judgment. On January 22, HealthPlus submitted an affidavit in support of its motion, as permitted by the Court's January 11 order. On February 1, Plaintiff filed a Notice of Withdrawal of Successor Liability Claims Against HealthPlus. As a result of Plaintiff's Notice, the Court finds that Plaintiff's claims against HealthPlus should be dismissed without prejudice to their refiling. Consequently, HealthPlus's motion should be rendered moot.

It is, therefore, ORDERED that Plaintiff's claims against defendants HealthPlus L.L.C. and HealthPlus Corporation are hereby DISMISSED WITHOUT PREJUDICE to the refiling of same.

It is further ORDERED that HealthPlus's December 17, 1998 Motion to Dismiss Pursuant to Rule 12(b)(6) of the Federal Rules of

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Civil Procedure [document number 8-1], which motion has been construed as one for summary judgment, is hereby RENDERED MOOT.

SO ORDERED.

SIGNED February 2, 1999.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE